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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 31

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE BY REPEALING PROVISIONS RELATING TO ABORTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 632 Manslaughter; class B felony.

A person is guilty of manslaughter when:

(1) The person recklessly causes the death of another person; or

(2) With intent to cause serious physical injury to another person the person causes the death of such person, employing means which would to a reasonable person in the defendant's situation, knowing the facts known to the defendant, seem likely to cause death;

or

(3) The person intentionally causes the death of another person under circumstances which do not constitute murder because the person acts under the influence of extreme emotional disturbance; or

~~(4) The person commits upon a female an abortion which causes her death, unless such abortion is a therapeutic abortion and the death is not the result of reckless conduct; or~~

(5) The person intentionally causes another person to commit suicide.

Manslaughter is a class B felony.

~~Abortion and Related Offenses~~

~~§ 651 Abortion; class F felony.~~

~~A person is guilty of abortion when the person commits upon a pregnant female an abortion which causes the miscarriage of the female, unless the abortion is a therapeutic abortion.~~

~~Abortion is a class F felony .~~

~~§ 652 Self-abortion; class A misdemeanor.~~

~~A female is guilty of self-abortion when she, being pregnant, commits or submits to an abortion upon herself which causes her abortion, unless the abortion is a therapeutic abortion.~~

~~Self-abortion is a class A misdemeanor.~~

~~§ 653 Issuing abortifacient articles; class B misdemeanor.~~

~~A person is guilty of issuing abortifacient articles when the person manufactures, sells or delivers any instrument, article, medicine, drug or substance with intent that the same be used in committing an abortion upon a female in circumstances which would constitute a crime defined by this Criminal Code.~~

~~Issuing abortifacient articles is a class B misdemeanor.~~

~~§ 654 "Abortion" defined.~~

~~"Abortion" means an act committed upon or with respect to a female, whether by another person or by the female herself, whether directly upon her body or by the administering, taking or prescription of drugs or in any other manner, with intent to cause a miscarriage of such female.~~

SYNOPSIS

This bill repeals certain provisions in Title 11 relating to abortion including provisions which treat abortion differently than other medical procedures, and provisions which criminalize women and the sale of medical devices and medicines.